

STUDENT DISCIPLINARY POLICY

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| Implementation date | October 2007 |
| Reviewed | October 2023 |
| Next review date | September 2028 |
| Responsibility | Student and Examinations Manager |
| Ratification | EDEX |

1. PREAMBLE

This document sets out the procedures which should be followed where the Student Code of Conduct is allegedly breached. Breach of the Student Code of Conduct may lead to disciplinary action being taken against a student and repeated breaches or a single, very serious breach may result in a student being excluded from the Institute.

Note: In all disciplinary matters, the student shall have the right of appeal and the right to representation, as defined.

2. DEFINITIONS

Glossary of terms and definitions

- I. This glossary of terms and conditions forms part of the CGISA's student disciplinary policy.
- II. Unless otherwise expressly stated, in this policy, the following terms have the meanings indicated below.

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| Authorised Person | A person authorised by the Chief Executive Officer to deal with actual or possible misconduct and who may impose penalties where minor offences can be shown to have been committed. |
| Burden of proof | 'Burden of proof' indicates who must prove (has the burden of proving) a specific allegation. For minor and major offences, the burden of proof lies with the CGISA. |
| Decision | A decision by an authorised person, a disciplinary committee or a disciplinary appeal committee. |
| Disbarment | The permanent exclusion of the student from CGISA and termination of the student's registration with the CGISA. |
| Disciplinary action | Action taken under this policy. |
| Disciplinary Appeal Committee | An appeal committee conducted in accordance with the policy for hearings by the committee that is convened to hear an appeal by a student against the decision(s) of a disciplinary committee (see below) |
| Disciplinary Committee | A committee convened under the terms of the CGISA's disciplinary policy to hear a matter within the scope of the policy. |
| Major offence | Misconduct by a student such as that listed in Table 3 below, that could, if confirmed to have occurred, justify one of the following penalties being imposed on the student |

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| | <p>a) Suspension from the CGISA for a period;</p> <p>b) Exclusion from the CGISA for a period; or</p> <p>c) Disbarment.</p> |
| Minor offence | Misconduct by a student such as that listed in Table 1. |
| Misconduct | Actions or acts, or failures to act, by a student of the CGISA, or by a guest or guests invited on to CGISA premises by a student of the CGISA, that are contrary to the maintenance of good order and mutually respectful behaviour within the CGISA community and/or contravene the CGISA's policy to which the student subscribes when registering to study with the CGISA. Misconduct is further defined in these Table 1. |
| Penalties | The policy provides the general framework within which authorised persons may impose penalties on students. |
| Premises | Premises refers to the CGISA offices or any examination venue arranged by the CGISA. |
| Report | A formal written statement issued by the CGISA to a student to confirm the outcome of the disciplinary hearing. A report is required before a student can refer a matter on appeal. |
| Representation | In all disciplinary proceedings and appeals, a student may be represented by another student. |
| Standard of proof | In all proceedings and appeals under these Disciplinary Regulations, the standard of proof that is required is, that on the evidence put forward it is more likely than not that the student committed the offence. In cases where major misconduct is alleged, where the penalties for the student may be serious, the CGISA expects the evidence that is put forward to show that the student committed the misconduct to be particularly cogent and compelling, and that it will be examined and tested with special care. |
| Student | <p>A student is any person who fulfils one or more of the following criteria</p> <p>i. A person registered for one or more modules offered by the CGISA</p> <p>ii. A person registered as a student with another organisation operating in collaboration with the CGISA, for example, Witsplus.</p> <p>iii. Students registered with one of the CGISA's accredited institutions to study for an award of the CGISA qualifications.</p> |
| Suspension of registration | Suspension of a student's registration with the CGISA for a defined period is a penalty available to a disciplinary committee or disciplinary appeal committee when a student is found to have committed a major offence. |

3. OFFENCES

A case for disciplinary action shall exist if a student is alleged to have committed an offence that may be listed in Appendix 1 appended to this policy.

4. PROCEDURE

4.1 Minor offences will be summarily dealt with by an authorised person who will at the same time make a decision as to the penalty imposed.

4.2 Serious and very serious offences will be referred to the Chief Examiner by the Student Manager who will then convene a disciplinary committee for a decision. The disciplinary committee will comprise:

- The Chief Examiner (chair);
- Members of CGISA Education and Examinations Committee (EDEX); or
- Members of staff.

The selection of the members is at the sole discretion of the chair.

Note: the chair could, if necessary, be replaced by another authorised person if there is a conflict of interest or the Chief Examiner is unavailable.

If the disciplinary committee, having reviewed the information available, believes that there is a case for the student to answer, then the student will be formally requested in writing to present themselves at a hearing on a specified day, at a specified place and at a specified time. Attendance at the hearing may be virtual. The formal request will specify the allegations. Should the student notify the chair that they acknowledge the allegation, this acknowledgement will be taken into account in mitigation when the penalty is imposed. At the hearing, the student may be accompanied by a fellow CGISA student. If the student declines to present themselves at the hearing, the hearing will proceed in the student's absence.

In dealing with a matter, the disciplinary committee will consider written and/or oral evidence from any person regarding the misconduct. The burden of proof lies with the CGISA; that is, the CGISA must show that the student committed the misconduct and is liable for the consequences. It is not for the student to prove that they did not commit the alleged minor misconduct or serious misconduct. In an appeal by a student against a penalty imposed by an authorised person, or an appeal against the recommendations of a disciplinary committee, the burden of proof shifts and lies with the person making the appeal. That is, it is for the person appealing to show that there are grounds for their appeal and to provide relevant evidence to support their appeal.

The evidence must meet the required standard of proof. The disciplinary committee will find the student guilty of misconduct only if, on the evidence provided, the committee is satisfied on the balance of probabilities that the student is guilty of the offence. If a finding of guilt is made, the disciplinary committee may impose any of the penalties set out below.

At the termination of the proceedings, the disciplinary committee will arrange for a short report to be written. In the event of a guilty finding, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the guilty finding, the penalty imposed, and the factors taken into account when deciding the penalty. A copy of the report will be sent to the student within 10 working days of the hearing and will be circulated, at the disciplinary committee's discretion to appropriate members of the Institute staff. The report will be kept on the student's file.

4.3 Appendix 2 appended to this policy sets out the process to be followed during a disciplinary hearing.

5. PENALTIES

At the start of all hearings, the chair will explain the purpose of the hearing and the extent of his/her delegated powers and the disciplinary penalties which are possible outcomes of that hearing.

The chair will explain that the CGISA can either dismiss or uphold an allegation made against the student. The Institute will be asked to present its evidence and witnesses may be called. The student will be given an opportunity to present evidence to refute or in mitigation. It is also appropriate to consider any previous matters on file. If a decision is taken to uphold the allegation, the process will move to a second stage by considering the imposition of penalties listed below:

- Absolutely discharged, which means that although the student may be technically guilty of the misconduct alleged, no blame should be attached to his or her actions;
- Admonished;
- Cautioned and put on report which means that no penalty is imposed, but if the student is found guilty of misconduct on a subsequent occasion in the following twelve months, or some other specified period, there will be consideration of both offences;
- Conditionally discharged, which means that no penalty is imposed, subject to the student fulfilling certain stipulated conditions including future good behaviour over the following twelve months or some other specified period. If the conditions are not met, a penalty may be imposed following a further hearing;
- Suspended from registration with the Institute for a fixed period of time, up to a maximum of three years. A student who is suspended is prohibited from entering Institute premises, and from participating in Institute activities. The terms of the suspension will be notified to the student in writing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons.
- Temporary suspension pending an investigation.
- Summary suspension. This means that the suspension is immediate and without a disciplinary hearing. This will only occur where there is clear, incontrovertible evidence of an act of such serious gross misconduct that could only result in permanent suspension or disbarment, for example, a physical assault upon a member of staff or other students.
- Disbarred from the Institute which means that the student may not complete the qualification.

A recommendation will be made to the Chief Executive or one of the Vice-Presidents, following a hearing by a disciplinary committee. Students will be advised in writing by the Student Manager of the decision.

Note. Repeated offences including repeated minor offences may be dealt with by the CGISA as a single matter that merits treatment as a serious offence.

6. APPEAL AGAINST THE DECISION

The student has the right to appeal the finding of the disciplinary committee. However, this is not an academic appeal, but an appeal against the proposed disciplinary action.

- An appeal against the outcome of the hearing must be sent to the Student Manager who will pass it on to the President of CGISA.
- In all eventualities, notice of appeal must be lodged President of CGISA within ten (10) working days of the date of the notification of the outcome. In all eventualities, the notice of appeal must give grounds and brief particulars of the appeal.

The grounds of appeal include but are not limited to the following:

- There was a serious breach of the CGISA's procedures that may have adversely affected the outcome.
- New evidence has come to light that was not available at the original disciplinary hearing and could be expected to materially influence the original outcome.
- The findings were unreasonable in the light of the facts.
- The penalty imposed was too severe in the circumstances.

In any appeal, an appeal interview will be held at which both the student and a representative of the Institute will be invited to present their cases. The interview may be held in person or online. The burden of proof is on the student. The decision to uphold or not will be made after the interview once the person hearing the appeal has had time to consider the evidence. The person hearing the appeal may, if deemed necessary, convene a disciplinary appeal committee. The President may request other board members to sit in on the interview.

- The decision of the person dealing with the appeal will be confirmed in writing together with a statement of the reason(s) for the decision.
- If the appeal is dismissed, the person dealing with the appeal may confirm or vary the penalty, including imposing a greater sanction. The final decision will be confirmed in writing to the student as soon as possible after the appeal has been lodged.
- In the event that an appeal is upheld, the President in their sole discretion is able to amend the sanction handed down by the Disciplinary Committee; however, it is recommended that the Disciplinary Committee Chairperson and the CEO be consulted in this regard.
- The finding of the appeal chair is final and binding on the student and CGISA, and no further discussion on the matter will be entertained.
- Appendix 2 appended to this policy sets out the process to be followed during an appeal hearing.

7. VARIATIONS

In exceptional cases, it may be necessary that variations should be made to procedural aspects of this policy. The CGISA may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of reasonableness and fairness. Without limitation, such variations may include disciplinary hearing or appeals being conducted by different persons, if the person who would otherwise be conducting the hearing or appeal has previously had close personal involvement in the matter to be considered or for any other reason deemed appropriate in the circumstances.

Whilst the CGISA will aim to meet all of the stated time limits, in certain circumstances this will not always be possible. In such cases, the CGISA will contact the student as soon as possible.

Supporting documents

- Registration application form
- Student Handbook
- Student Code of Conduct

APPENDIX 1: LIST OF OFFENCES

Table 1: Illustrative statement of acts that the CGISA considers to be minor misconduct (Note: the list is not exhaustive).

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| 1. A first or single breach of CGISA regulations or policies e.g. smoking in non-designated areas, ignoring fire alarms, ignoring invigilator's instructions in an examination venue. |
| 2. Refusal to respond to reasonable requests by CGISA staff. |
| 3. Anti-social conduct, including causing a public nuisance by drunkenness or disorderly conduct. |
| 4. Minor damage to property. |
| 5. Writing after the end of the exam. |
| 6. A breach of the students' code of conduct |

Table 2: Illustrative statement of acts that the CGISA considers to be misconduct of a serious nature (Note: the list is not exhaustive).

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| 1. A breach of the students' code of conduct |
| 2. Failure to disclose personal details to a member of staff of the CGISA in circumstances in which it is reasonable to require that such information be given. [Note. Students of the CGISA are required to give their names, their home and CGISA addresses and to produce their identity card or other reasonable means of establishing both student status and identity, when asked to do so by any CGISA employee or security personnel.] |
| 3. Rudeness telephonically, face-to-face or via electronic media (emails, social media) towards any employee, member, student or invigilator of the CGISA, the online tutor, or any visitor to the CGISA. |
| 4. Using unauthorised notes and textbooks during an examination; breach of the CGISA open-book policy. |

Table 3: Illustrative statement of acts that the CGISA considers to be very serious misconduct (Note: the list is not exhaustive).

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| 1. Repeated minor offences. |
| 2. A breach of the students' code of conduct |
| 3. Action or inaction likely to cause injury or impair safety on CGISA premises. |
| 4. Any conduct that brings the CGISA into disrepute. |
| 5. Any conduct that constitutes a criminal offence. |
| 6. Any conduct which comes to light after the student's admission (and, if applicable, registration) which affects the professional and ethical standards required of a Company Secretary, Governance Professional or Governance Practitioner, including but not limited to allegations of deceit, deception or dishonesty. |
| 7. The discovery, after submission of an assignment and/or after writing an examination, that the student has acted dishonestly (including by failing to disclose material information) in any application to the CGISA, including applications for admission, exemptions and registration. |
| 8. Breach of a CGISA-approved code, rule or regulation. |
| 9. Causing damage or harm to CGISA staff, students, members, the online tutor, examiners and moderators, or visitors to the CGISA. |

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| 10. Damage to CGISA property, or the property of the CGISA staff, students, members, the online tutor, examiners and moderators, or visitors to the CGISA, caused intentionally or recklessly. |
| 11. Direct or indirect attempts to influence or intimidate members of staff prior to or during an examination, disciplinary investigation, subsequent proceedings, or any other internal procedures. |
| 12. Dishonesty with regard to examination procedures: collusion with any person with regard to the writing of an examination; copying in an examination; using an incorrect or false ID/Driver's license; writing an examination on behalf of another person or getting another person to write an examination in the place of the student; using crib notes in an examination; misuse of a cellphone; misusing toilet privileges with the objective of cheating, cribbing or other dishonest purposes. |
| 13. Disruption of, or improper interference with, the academic, administrative, social or other activities of the CGISA. |
| 14. Failure to comply with a reasonable instruction relating to prior disciplinary action. |
| 15. Failure to respect the rights of others to freedom of belief and freedom of speech |
| 16. Fraud, deceit, deception or dishonesty in relation to the CGISA staff, students, members, the online tutor, examiners and moderators, or visitors to the CGISA. |
| 17. Harassment of any employee, member, student, invigilator, examiner or moderator of the CGISA, the online tutor, or any visitor to the CGISA. |
| 18. Misuse or unauthorised use of CGISA premises |
| 19. Obstruction of, or improper interference with, the functions, duties or activities of any CGISA staff, students, members, the online tutor, examiners and moderators, or visitors to the CGISA. |
| 20. Serious disruption of, or improper interference at an examination venue and CGISA premises. |
| 21. Theft, misappropriation or misuse of CGISA property, or the property of the CGISA's members or visitors. |
| 22. Use of violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language to any CGISA staff, students, members, the online tutor, examiners and moderators, or visitors to the CGISA. |

APPENDIX 2: HOW TO CONDUCT A DISCIPLINARY HEARING

The below checklist is for guidance purposes only, as it is recognised that the Chair will need to determine how best to manage any disciplinary hearing given the individual circumstances of the case.

Please ensure that all discussions during this process are fair, appropriate and above reproach.

1. Introduction

- Welcome attendees.
- Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that the CGISA expressly prohibits the recording of meetings, except by the note-taker for purposes of producing the report on the hearing.
- Introduce those present and their roles; this may include: the CGISA representative who will present the case for the Institute; the committee members and note-taker.
- Ask the student to introduce him/herself and any companion s/he may have with him/her.
- Check whether the participants are happy with use of first names.
- Confirm with the student that s/he has received the notice of the disciplinary hearing/meeting.
- Advise that any questions, comfort breaks and adjournments requests should be directed at the Chair.
- Identify the location of the rooms available to both the student and member(s) of the committee, to be used should any adjournments be required.

2. Preliminary matters

- Confirm that the disciplinary hearing/meeting is a result of allegations of misconduct against the student, and that the hearing will be conducted in line with the relevant procedure. It is not about academic results.
- If the hearing/meeting has been rescheduled, confirm with the student that s/he acknowledges why this was the case.
- Reaffirm that the hearing is to consider the allegations of misconduct as indicated in the notice of disciplinary hearing sent to the student.
- Advise that the decision of the disciplinary committee will be made after the hearing, following a brief adjournment of the committee to consider the case. The outcome will be confirmed in writing, together with a short report usually within 10 working days of the hearing.

3. Clarify procedure

- Advise of the procedure to be followed.
- Representation of student who may not be a legal representative – If accompanied, confirm the role and identity of the companion, i.e. that they will be able to address the hearing in order to: put the student's case forward; sum up the case; respond on the student's behalf to any view expressed at the hearing; and confer with the student. However, the representative will not usually answer questions on behalf of the student but may do so with the agreement of the committee.
- If not accompanied, note that the student has been advised of their right to be accompanied by the fellow CGISA student, but has chosen to attend unaccompanied.

- Representation of the Institute – the role of the representative will be clarified, namely that s/he is there to present the case for the Institute.
- Witnesses may be called to give evidence of the misconduct.

4. Documentation

- Confirm the documentation provided, identifying, if appropriate, any other documentation the committee has at their disposal for reference purposes, or any additional information supplied by the student.
- Advise that it is the CGISA's responsibility to specifically draw the committee's attention to all relevant documentary evidence that should be considered in relation to their grounds for the hearing. Note that the burden of proof lies with the CGISA.
- Explain that anything that does not relate to the grounds for the hearing, will not be taken into consideration for the purpose of this procedure.

5. Taking of Notes

- Advise that the note-taker will take summary notes to support the committee's consideration. Advise that both the student and his/her representative are welcome to make their own notes. A report will be drafted after the hearing.
- Respond to any procedural concerns/queries that may arise.

6. Running order

- The CGISA representative will be invited to present the case of misconduct.
- Witnesses may be called.
- The disciplinary committee will ask questions/seek clarification as necessary.
- The student will ask questions/seek clarification as necessary.
- Student will be invited to present his/her case, including mitigating factors, during which it would be helpful if s/he directed the committee to the issues that s/he would like the disciplinary committee to consider.
- The Institute representative to be given an opportunity to make a closing statement.
- The student to be given the same opportunity.
- The committee may adjourn the hearing briefly to consider the decision or have further time to consider the decision.
- The student, student representative and CGISA representative will be asked to leave the room until recalled.

7. Hearing the case

- Hearing the case is based on the above running order.
- If the committee is unable to make a decision as further information is required, inform the student as to when they can expect written notification of the decision (or if further action was deemed necessary what this would entail)
- Close the hearing, ensuring that everyone understands what is going to happen.
- The committee considers the case and makes a decision.
- The outcome of the hearing should be made immediately after due consideration of the evidence and will be confirmed to the student in writing, usually within 5 days of the hearing.
- Advise the student that s/he may appeal any decision within 10 days of the hearing.

8. Record

- Record summary of the discussions, (including any agreed actions and timescales).
- Ensure that the records are factual and constructive.
- Store records securely, as these may be subsequently required within later procedural stages.
- Circulate the report of the hearing to those that are entitled to receive it.

APPENDIX 3: HOW TO CONDUCT AN APPEAL HEARING

The below checklist is for guidance purposes only, as it is recognised that the Chair will need to determine how best to manage any hearing given the individual circumstances of the case.

Please ensure that all discussions during this process are fair, appropriate and above reproach.

○ **Introduction**

- Welcome attendees.
- Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that the CGISA expressly prohibits the recording of meetings, except by the note-taker for use in preparing the report after the hearing.
- Introduce those present and their roles, this may include: committee members, note-taker, member[s] of the disciplinary committee etc.
- Ask the student to introduce him/herself and any representative s/he may have with them.
- Check whether the participants are happy with use of first names.
- Confirm with the student that s/he have received the letter notifying them of the appeal hearing/meeting and any associated documentation.
- Advise that any questions, comfort breaks and adjournments requests should be directed at the Chair.
- Identify the location of the rooms available to both the student and member(s) of the original committee, to be used should any adjournments be required.

○ **Preliminary matters**

- Confirm that the appeal hearing/meeting is a result of the decision of a disciplinary committee (providing the date of original hearing/meeting and its outcome), and that the appeal will be heard in line with the relevant procedure.
- If the appeal hearing/meeting has been rescheduled, confirm with the student that h/she acknowledges why this was the case.
- Reaffirm that the appeal process is not an opportunity for a re-hearing of the original submission but to consider the grounds of their appeal; e.g. this could be to determine if previous decision was fair, consider any new facts and judge reasonableness of procedure to date etc.
- Advise that the decision of the appeal committee will be made after the hearing, either following an adjournment, or after closing the hearing, should it require more time to consider the case. The outcome will be confirmed in writing usually within 5 calendar days of the hearing.

○ **Clarify procedure**

- Advise of the procedure to be followed.
- Representation of student – If accompanied, confirm the role of the representative, i.e. that they will be able to address the hearing in order to: put the student's case forward; sum up the case; respond on the student's behalf to any view expressed at the hearing; and confer with the student. However, the representative will not usually answer questions on behalf of the student but may do so with the agreement of the appeal committee.
- If not accompanied, note that the student has been advised of their right to be accompanied but has chosen to attend unaccompanied.

- Representation of the Institute – the role of the representative will be clarified, namely that s/he is there to present the case on why the given disciplinary measure is warranted.
- **Documentation**
 - Confirm the documentation provided, identifying, if appropriate, any other documentation the committee has at their disposal for reference purposes, or any additional information supplied by the student.
 - Advise that it is the student’s responsibility to specifically draw the committee’s attention to all relevant documentary evidence that should be considered in relation to his/her grounds for appeal.
 - Explain that anything that does not relate to the grounds for appeal or which is not directly referenced by the student, will not be taken into consideration for the purpose of this procedure.
- **Taking of Notes**
 - Advise that the note-taker will take summary notes to support the committee’s consideration. Advise that both the student and his/her representative would be welcome to make their own notes. A report will be sent to the student.
 - Respond to any procedural concerns/queries that may arise.
- **Running order**
 - Student will be invited to present his/her case, during which it would be helpful if they directed the committee to the issues that they would like the appeal committee to consider.
 - Where previously agreed with the chair, witnesses may be called.
 - The appeal committee will ask questions/seek clarification as necessary.
 - The Institute representative will ask questions/seek clarification as necessary.
 - The student to be given an opportunity to make a closing statement.
 - The Institute representative to be given same opportunity.
 - The committee will adjourn for the appeal committee to consider the decision.
- **Hearing the case**
 - Hearing the case is based on the above running order.
 - If the committee is unable to make a decision as further information is required, inform the student as to when s/he can expect written notification of the decision (or if further action was deemed necessary what this would entail)
 - Close the hearing, ensuring that everyone understands what is going to happen.
 - Committee considers the case and makes a decision. The outcome of the appeal hearing should not be made immediately before due consideration of the evidence and will be confirmed to the student in writing, usually within 5 days of the hearing.

8. Record

- Record summary of the discussions, (including any agreed actions and timescales).
- Ensure that the records are factual and constructive.
- Store records securely, as these may be subsequently required within later procedural stages.
- The decision of the appeal committee is final and no further correspondence will be entered into.

